

REMARKS/ARGUMENTS

The Office Action mailed June 29, 2005 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Claims 1, 28, and 29 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification, page 25, lines 1-8. The text of claims 2-4, 6-10 and 12-27 is unchanged, but their meaning is changed because they depend from amended claims.

Claims 5, 11 and 30-36 have been canceled, without prejudice or disclaimer of the subject matter contained therein.

New claims 37-42, which also particularly point out and distinctly claim subject matter regarded as the invention. Support for these claims may be found in FIG. 9 and the corresponding text, as well as page 25, line 1-8, page 26, lines 16-18 and page 27, line 15-22

With this amendment it is respectfully submitted the claims satisfy the statutory requirements.

The First 35 U.S.C. § 103 Rejection

Claims 1, 2, 8, 9, 12, 13, 21, 22, 24, 25 and 27-29 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bourne et al.¹ in view of Schloss et al.², among which claims 1, 28 and 29 are independent claims. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.³

Specifically, the Office Action contends that the elements of the presently claimed invention are disclosed in Bourne except that Bourne does not teach storing the data page and storing the page dependency data.⁴ The Office Action further contends that Schloss teaches such elements and that it would be obvious to one having ordinary skill in the art at the time of the invention to incorporate Schloss into Bourne as both relate to caching. The Applicants respectfully disagree for the reasons set forth below.

None of the cited prior art teaches or suggests "receiving a data page from an origin server, wherein said data page includes page dependency data that contains one or more dependencies such that each dependency indicates an underlying data source which said data

¹ U.S. Patent No. 6,584,548

² U.S. Patent No. 6,249,844

³ M.P.E.P. § 2143.

⁴ Office Action ¶ 6.

page is dependent on, wherein said page dependency data are generated by a Request-Based dependency generator which only uses a configuration file corresponding to the origin server, wherein the configuration file is the only configuration file corresponding to the origin server."

The Office Action alleges with respect to previous claim 5 that Batchelder teaches an example of a fragment description table for tracking the object fragment identity and its description and that the table depicts a plurality of entries, where each table entry points to a fragment description list and that the list includes one or more description elements. Applicant is not clear as to how this teaches a configuration file to generate page dependency data. Tracking object fragment parameters is not the same as generating page dependency data. While the fragment description table would appear to be helpful in managing and tracking page dependency data after it has been generated, it does not appear to have anything to do with generating the page dependency data in the first place. Additionally, there does not appear to be one fragment description table per origin server. Therefore, Applicant respectfully maintains that claim 1 as amended is in condition for allowance.

As to independent claims 28 and 29, these claims contain elements similar to that as described above with respect to claim 1 as amended. Thus, Applicant respectfully maintains that these claims are also in condition for allowance.

As to dependent claims 2, 8, 9, 12, 13, 21, 22, 24, 25 and 27, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The Second 35 U.S.C. § 103 Rejection

Claims 3-7, 10, 14-20 and 26 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bourne et al. in view of Schloss et al. and further in view of Batchelder et al.⁵.

This rejection is respectfully traversed.

As to dependent claims 3-7, 10, 14-20, and 26, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The Third 35 U.S.C. § 103 Rejection

Claim 23 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bourne et al. in view of Schloss et al. and further in view of Arlitt et al.⁶. This rejection is respectfully traversed.

As to dependent claim 23, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claim must also be allowable.

The Fourth 35 U.S.C. § 103 Rejection

Claims 30-36 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Challenger⁷ in view of Bourne et al., among which claims 30, 33 and 36 are independent claims. This rejection is respectfully traversed.

⁵ U.S. Patent No. 6,351,767

⁶ U.S. Patent No. 6,272,598

⁷ U.S. Patent No. 6,026,413

Claims 30-36 have been canceled and thus this rejection is now moot.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

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